

CR-09 01051

JF PVT

No.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

E-filing

SAN JOSE DIVISION

FILED
OCT 28 P 1:40

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
N.D. CA-SAN JOSE

THE UNITED STATES OF AMERICA

vs.

PETER OUZTS

INDICTMENT

COUNT ONE:

18 U.S.C. § 371 - Conspiracy to Commit False,
Fraudulent, or Fictitious Claims

COUNTS TWO - FOUR:

18 U.S.C. § 287 - False, Fraudulent, or Fictitious Claims

COUNTS FIVE and SIX:

18 U.S.C. § 1001 - False Statement to a Government
Agency

A true bill.

Heather Hake
Deputy Foreperson

Filed in open court this 28 day of Oct.

A.D. 2009

Patricia V. Hummel
United States Magistrate Judge

Bail. \$ no bail arrest warrant

JOSEPH P. RUSSONIELLO (CASBN 44332)
United States Attorney

FILED

2009 OCT 28 P 1:40

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
N.D. CA-SAN JOSE

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CR-09 01051

JF

PVT

UNITED STATES OF AMERICA,

No.

Plaintiff,

VIOLATIONS: 18 U.S.C. § 371 –
Conspiracy to Commit False, Fraudulent, or
Fictitious Claims; 18 U.S.C. § 287 - False,
Fraudulent, or Fictitious Claims; 18 U.S.C.
§ 1001 – False Statement to a Government
Agency

v.

PETER OUZTS,

SAN JOSE VENUE

Defendant.

INDICTMENT

The Grand Jury charges:

BACKGROUND

At all times relevant to this Indictment:

1. Defendant PETER OUZTS ("OUZTS") was employed with the Glenn Research
Center of the National Aeronautics and Space Administration in Cleveland, Ohio. As a part of
his assigned duties, OUZTS was assigned to work in Washington, D.C. from March 2004
through July 2008, and subsequently at Moffett Field in California during 2008 and 2009.

2. Unindicted co-conspirator PH, a friend of defendant OUZTS, was employed as an

INDICTMENT

1 Executive Assistant for the Office of the Under Secretary in the Department of Defense.

2 3. The National Aeronautics and Space Administration ("NASA") was an agency of the
3 United States government responsible for the nation's space program.

4 4. On March 3, 2004, OUZTS purchased a boat for \$81,000, which he subsequently
5 docked at the Gangplank Marina in Washington, D.C. and used as his personal residence. PH
6 signed the boat purchase agreement as a witness.

7 5. While residing in Washington, D.C. from April 2004 to July 2008, OUZTS failed to
8 disclose to NASA travel officials that he was living on the boat he purchased on March 3, 2004.
9 Additionally, during this period, OUZTS submitted fraudulent travel vouchers to NASA claiming
10 unsubstantiated lodging expenses. As a result, OUZTS received over \$200,000 in lodging
11 reimbursements from NASA while residing in Washington D.C.

12 6. OUZTS' travel vouchers and expenses were audited by NASA in 2006. In response to
13 this audit, on September 20, 2006, OUZTS submitted fraudulent receipts claiming that he was
14 paying PH \$1200 a month for a "rental property" at the Gangplank Marina. OUZTS submitted 5
15 identical receipts for the months of May, June, July, August, and September 2006. PH initialed
16 each of the receipts that OUZTS provided to NASA.

17 7. OUZTS again submitted fraudulent receipts in 2007 claiming that he was renting a
18 hotel room from PH for the following periods: May 15-24, 2007; June 5-14, 2007; June 25-July
19 6, 2007; July 16-21, 2007; and November 5-10, 2007. These receipts were made payable to PH
20 and used the same Gangplank Marina address. Contrary to the earlier receipts submitted by
21 OUZTS, PH did not initial any of these receipts.

22 8. On April 21, 2008, OUZTS submitted to NASA a fraudulent receipt for \$1623.20 as
23 substantiation for his rental expenses in February of 2008. OUZTS also submitted a photocopy
24 of the front side of a check for \$1623.20 payable to PH as proof of payment for his rental
25 expenses. This check never cleared for payment.

26 9. On July 21, 2008, OUZTS was reassigned to NASA's Ames Research Center
27 ("ARC") in Moffett Field, California.

28 10. On November 6, 2008, while residing in the Northern District of California, OUZTS

1 created and electronically signed travel vouchers claiming lodging expenses for the months of
2 August, September, and October of 2008.

3 11. On February 5, 2009, OUZTS submitted a fraudulent rental agreement to NASA
4 travel officials as substantiation for his lodging expenses from July 21, 2008, until December 25,
5 2008. The agreement contained fraudulent terms and a forged signature.

6 12. On February 24, 2009, while residing in the Northern District of California, OUZTS
7 stated to NASA officials that he had been renting a boat slip from PH for \$1200 a month during
8 his time in Washington, D.C.

9 COUNT ONE: (18 U.S.C. § 371 – Conspiracy to Commit False, Fraudulent, or Fictitious
10 Claims)

11 13. The factual allegations in paragraphs 1 through 12 are re-alleged and incorporated
12 herein as if set forth in full.

13 14. Beginning on a date unknown, but by no later than on or about September 20, 2006,
14 and continuing to on or about March 6, 2009, in the Northern District of California and
15 elsewhere, the defendant

16 PETER OUZTS

17 and unindicted co-conspirator PH, did knowingly and intentionally conspire to commit acts and
18 offenses against the laws of the United States, that is: the making and presentation of false,
19 fraudulent, and fictitious claims against the United States, in violation of Title 18, United States
20 Code, Section 371.

21 MANNER AND MEANS OF THE CONSPIRACY

22 15. It was part of the conspiracy between 2004 and 2008 that OUZTS regularly
23 fraudulently claimed that he was paying PH \$1,200 a month for a rental property at Gangplank
24 Marina in travel vouchers submitted to NASA. After being audited by NASA officials, OUZTS
25 submitted fraudulent receipts payable to PH as substantiation for this lodging expenses from
26 March 2004 through August 2008.

27 16. It was further a part of the conspiracy that PH initialed these fraudulent receipts.

28 17. It was further part of the conspiracy that OUZTS subsequently claimed to NASA

officials on February 24, 2009, that he had been renting a boat slip from PH for \$1,200 a month while residing in Washington, D.C.

OVERT ACT COMMITTED IN FURTHERANCE OF THE CONSPIRACY

18. In furtherance of the conspiracy and to affect the objects thereof, at least one of the co-conspirators committed and caused to be committed in the Northern District of California and elsewhere, the following overt acts on or about the dates set forth below:

a. On November 6, 2008, OUZTS signed and submitted to NASA officials the following three travel vouchers for August 1, 2008, through October 31, 2008:

1. for August 1, 2008, through August 31, 2008, a travel voucher claiming \$2,591.51 of expenses;

2. for September 1, 2008, through September 30, 2008, a travel voucher claiming \$2,700.00 in expenses; and

3. for October 1, 2008, through October 31, 2008, a travel voucher claiming \$2,767.51 in expenses.

b. On February 5, 2009, OUZTS faxed to NASA Shared Services Center a fraudulent lease agreement between himself, Grace Schmidt, and Herb Schmidt for the alleged rental of a property located at 317 Centennial Street, Santa Cruz, CA. OUZTS provided this lease agreement as support and documentation for his living expenses from August 1, 2008, through October 31, 2008.

c. On February 24, 2009, OUZTS claimed to NASA officials in email correspondence and a telephonic conversation that he had been renting a boat slip from PH for \$1,200 a month while residing in Washington, D.C.

All in violation of 18 U.S.C. § 371.

COUNT TWO: (18 U.S.C. § 287 – False, Fraudulent, or Fictitious Claims)

19. The factual allegations in paragraphs 1 through 12 are hereby realleged and incorporated by reference as if set forth in full herein.

20. On or about November 6, 2008, in the Northern District of California, the defendant,

PETER OUZTS

1 made and falsely presented to NASA officials a voucher expense claim against NASA, that is,
2 the defendant falsely claimed lodging expenses for the period of August 1, 2008, through August
3 31, 2008, totaling \$2,591.51, knowing that the claim was false in that the defendant was not
4 incurring the claimed lodging expenses during this period, in violation of 18 U.S.C. § 287.

5 COUNT THREE: (18 U.S.C. § 287 – False, Fraudulent, or Fictitious Claims)

6 21. On or about November 6, 2008, in the Northern District of California, the defendant,

7 PETER OUZTS

8 made and falsely presented to NASA officials a voucher expense claim against NASA, that is the
9 defendant falsely claimed lodging expenses for the period of September 1, 2008, through
10 September 30, 2008, totaling \$2,700.00, knowing that the claim was false in that the defendant
11 was not incurring the claimed lodging expenses during this period.

12 COUNT FOUR: (18 U.S.C. § 287 False, Fraud, or Fictitious Claims)

13 22. On or about November 6, 2008, in the Northern District of California, the defendant,

14 PETER OUZTS

15 made and falsely presented to NASA officials a voucher expense claim against NASA, that is the
16 defendant falsely claimed lodging expenses for the period of October 1, 2008, through October
17 31, 2008, totaling \$2,767.51, knowing that the claim was false in that the defendant was not
18 incurring the claimed lodging expenses during this period, in violation of 18 U.S.C. § 287

19 COUNT FIVE: (18 U.S.C. § 1001 – False Statement to a Government Agency)

20 23. The factual allegations in paragraphs 1 through 12 are hereby realleged and
21 incorporated by reference as if set forth in full herein.

22 24. On February 5, 2009, in the Northern District of California, in a matter within the
23 jurisdiction of NASA, an agency of the United States, the defendant, PETER OUZTS, did
24 knowingly and willfully make and use a material false writing and document by presenting to
25 NASA a rental agreement, which the defendant represented as accurately reflecting his lodging
26 expenses from July 21, 2008 to December 25, 2008, when in truth and in fact, as the defendant
27 well knew, the defendant had altered and provided materially false information regarding the
28 signatories, terms, and dates on the rental agreement, in violation of 18 U.S.C. § 1001.

COUNT SIX: (18 U.S.C. §1001 – False Statement to a Government Agency)

23. The factual allegations in paragraphs 1 through 12 are hereby realleged and incorporated by reference as if set forth in full herein.

24. On February 24, 2009, in the Northern District of California, in a matter within the jurisdiction of NASA, an agency of the United States, the defendant, PETER OUTZS, did knowingly and willfully make and use a material false writing by claiming to NASA officials in email correspondence that he rented a boat slip from PH for \$1200 a month while residing in Washington, D.C. from March 2004 to August 2008, when in truth and in fact, as the defendant well knew, at no point did he rent a boat slip or any lodging accommodation from PH during that period, in violation of 18 U.S.C. § 1001.

DATED:

A TRUE BILL.

Heather Markes
FOREPERSON (Deputy)

JOSEPH P. RUSSONIELLO
United States Attorney

[Signature]
JEFFREY D. NEDROW
Deputy Chief, San Jose Branch Office

(Approved as to form: *[Signature]*)
SAUSA STEVEN E. SEITZ

INDICTMENT

ATTACHMENT TO PENALTY SHEET FOR PETER OUZTS

COUNT ONE (18 U.S.C. §371 – Conspiracy to Commit False, Fraudulent, or Fictitious Claims)

5 years imprisonment; 3 years of supervised release; \$250,000 fine, and a special assessment of \$100;

COUNTS TWO THROUGH FOUR (18 U.S.C. §287 – False, Fraudulent, or Fictitious Claims)

5 years imprisonment; 3 years of supervised release; \$250,000 fine, and a special assessment of \$100;

COUNTS FIVE AND SIX (18 U.S.C. §1001 – False Statement to a Government Agency)

5 years imprisonment; 3 years of supervised release; \$250,000 fine, and a special assessment of \$100;

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 18 U.S.C. 371 - Conspiracy to Commit False,
 Fraudulent, or Fictitious Claims; 18 U.S.C. 287
 - False, Fraudulent, or Fictitious Claims; 18
 U.S.C. 1001 - False Statement to a Government
 Agency

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony
PENALTY:

See attached sheet

E-filing**PROCEEDING**
 Name of Complainant Agency, or Person (& Title, if any)
 NATIONAL AERONAUTICS SPACE ADMINISTRATION

☐ person is awaiting trial in another Federal or State
 Court, give name of court

☐ this person/proceeding is transferred from another
 district per (circle one) FRCrP 20, 21 or 40. Show
 District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on
 motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a
 pending case involving this same
 defendant

☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding
 this defendant were recorded under
SHOW
DOCKET NO.MAGISTRATE
CASE NO.
 Name and Office of Person
 Furnishing Information on
 THIS FORM
JOSEPH P. RUSSONIELLO
☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

SAUSA Steven E. Seitz

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA
DEFENDANT - U.S.

Peter Ouzts

DISTRICT COURT NUMBER

CR - 09 01051**FILED**

2009 OCT 28 P 1:40

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
JF**DEFENDANT****PVT****IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons
 was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges

☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

 Has detainer
 been filed?

☐ Yes
☐ No

 If "Yes"
 give date
 filed
**DATE OF
ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

**DATE TRANSFERRED
TO U.S. CUSTODY**
☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS*
☒ WARRANT

Bail Amount: None

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 *Where defendant previously apprehended on complaint, no new summons
 or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments: